

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.
★ JUL 26 2007 ★
BROOKLYN OFFICE

FREEMAN WEBB,

Plaintiff,

-against-

BRION D. TRAVIS, Chair, New York State Division of
Parole; HONORABLE JUDGE JOAN O'DWYER, Queens:
County Supreme Court; HONORABLE JUDGE
WILLIAM E. MCCARTHY, Albany County Supreme
Court; HONORABLE JOHN/JANE DOE, Queens County
Supreme Court Judge for Plaintiff's 1980 conviction for
robbery in the first degree under indictment number 421-
80, and the HONORABLE JOHN/JANE DOE, Queens
County Supreme Court Judge for Plaintiff's 1985
conviction for burglary in the second degree under
indictment number 2856-85, they are sued in their
individual and official capacity(s),

Defendants.

ROSS, United States District Judge:

Plaintiff Freeman Webb, a prisoner incarcerated at Five Points Correctional Facility, filed this action pro se pursuant to 42 U.S.C. §§ 1983 and 1985. Plaintiff alleged that each of the judges named as defendants did not have jurisdiction (i) to **preside** over his criminal trials held in 1980, 1985, 1993 which resulted in his convictions, or (ii) to **preside** over his Article 78 petition challenging the denial of parole. Compl. at 4-6, 9-10. By order **dated** June 5, 2007, the court dismissed plaintiff's complaint against the judicial officers and **transferred** the complaint against defendant Brion D. Travis to the United States District Court for **the** Northern District of New York. On July 16, 2007, plaintiff **moved** for reconsideration of **the** court's order dismissing the complaint against the state court judges pursuant to Fed. R. Civ. P. 60(b).

07 CV 2021 (ARR) (LB)

NOT FOR ELECTRONIC
OR PRINT
PUBLICATION

OPINION AND ORDER

Standard for Reconsideration

Rule 60(b) of the Federal Rules of Civil Procedure provides that a party may move to set aside a judgment on grounds of mistake, inadvertence, neglect, newly discovered evidence, fraud, or any other reason justifying the modification of an order or judgment. Fed. R. Civ. P. 60(b). The standard for granting a motion for reconsideration is “strict, and reconsideration will generally be denied.” Herschaft v. New York City Campaign Finance Board, 139 F. Supp. 2d 282, 283 (E.D.N.Y. 2001). “A motion for reconsideration is appropriate when the moving party can demonstrate that the Court overlooked controlling decisions or factual matters that were put before it on the underlying motion ... and which, had they been considered, might have reasonably altered the result before the court.” Id. at 284 (internal quotations omitted); see also Shrader v. CSX Transp., Inc., 70 F.3d 255, 257 (2d Cir. 1995); Local Civil Rule 6.3. District courts apply this rule strictly to dissuade repetitive arguments on issues that have already been fully considered by the court. Commercial Union Ins. Co. v. Blue Water Yacht Club Ass’n, 289 F. Supp. 2d 337, 340 (E.D.N.Y. 2003).

Here, plaintiff’s request for reconsideration fails to establish that the court has overlooked a controlling factual matter or legal authority. Instead, plaintiff argues that the state court judges are not entitled to judicial immunity because “these are not judges as defined by this Court,” Plaintiff’s Motion at ¶ 4, referring to Lopez Torres v. New York State Board of Elections, 04 CV 1129 (JG), a case which found that the system for electing New York State Supreme Court Justices was unconstitutional. Plaintiff’s argument that the state court judges named as defendants were not entitled to judicial immunity is without merit.

CONCLUSION

Accordingly, plaintiff's motion for reconsideration under Fed. R.Civ. P. 60(b) is denied. The court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any ~~appeal~~ from this order would not be taken in good faith and, therefore, *in forma pauperis* status is ~~denied~~ for the purpose of any appeal.

SO ORDERED.

/S/

Allyne R. Ross
United States District Judge

Dated: July 26, 2007
Brooklyn, New York

SERVICE LIST:

Pro Se Plaintiff
Freeman Webb
95A0087
Five Points Correctional Facility
State Route 96, P.O. Box 119
Romulus, NY 14541

cc: Magistrate Judge Bloom